



Town Council Meeting Minutes



Thursday, September 25, 2014, at 7:00 PM, in the Matthew Thornton Room

Chairman Harrington called the meeting of the Town Council to order at 7:00 p.m. Present at the meeting were Vice Chairman Mahon, Councilor Boyd, Councilor Dwyer, Councilor Koenig, Councilor Rothhaus, Councilor Woods, and Acting Town Manager/Finance Director Paul Micali.

Pledge of Allegiance

Councilor Dwyer lead in the Pledge of Allegiance.

Announcements

On behalf of the Town Council, Chairman Harrington extended deepest sympathies to the family and friends of Madeline Bennett who passed away on Wednesday September 17th at the age of 100. Madeline taught for over 30 years including time at a one-room schoolhouse known as Rural School House No. 7 on Joppa Road. She also volunteered at the Merrimack Public Library and eventually became an employee, retiring in 2009.

Madeline was the proud recipient of the Boston Post Cane, a finely crafted cane that, by tradition, is presented to the eldest known resident. She was a positive inspiration to many, and she will be missed.

A moment of silence was observed in memory of Madeline Bennett.

A Joint meeting of the Town Council and the School Board will be conducted on Monday, September 29th at 7:00 p.m. in the Matthew Thornton Room. Regular meetings of the Town Council will be held on Thursday October 9th and October 23rd at 7:00 p.m. in the Matthew Thornton Room.

The Parks & Recreation Department will be hosting a Community Blood Drive on Thursday, October 2nd from 2:00 - 7:00 p.m. in the Function Hall at Wasserman Park. To schedule an appointment to donate, please call the Department at 882-1046.

The Police Department will once again be participating in the National Prescription Drug Take-Back Day this Saturday, September 27th between the hours of 10:00 a.m. and 2:00 p.m. Please visit the Police Department and dispense of your unwanted prescription medication in the lobby; anonymously.

The Merrimack Fire Department will conduct their annual Open House on Thursday, October 9th from 4:00 - 8:00 p.m. at the Central Fire Station located at 432 Daniel Webster Highway. All are invited to attend.

Comments from the Press and Public - None

Recognitions, Resignations and Retirements - None

Appointments

1. 2014 Fall Festival / Business Expo & Merrimack Rocks Update

Submitted by Dave McCray and David Shaw

1 The Town Council to be presented with an update on the details of the 2014 Fall Festival / Business
2 Expo and Merrimack Rocks events being held on Saturday, September 27th.

3
4 Mr. Dave McCray noted the event is in its 8th year. One hundred twenty five vendors have signed up for
5 the Fall Festival/Business Expo. (95 paid/30 volunteer). Bands will be located outdoors and a D.J.
6 indoors. The location of the event has been changed to better accommodate parking. The Expo. will
7 run from 10:00 a.m. to 4:00 p.m. at the Merrimack High School.

8
9 Merrimack Rocks will be held at Watson Park beginning at 4:00 p.m. During the event, plaques will be
10 presented to the family of David G. Yakuboff, Sr., former Police Chief William Mulligan, former Fire
11 Chief Charles Hall, and Nelson Disco in recognition of their service to the community. Fundraising
12 efforts resulted in achieving the goal of \$16,000 in cash and an additional \$2,000 in in-kind donations,
13 e.g., advertising. Expenditures were slightly higher than initially anticipated. Donations continue to be
14 welcome, and can be made at DMcCray7@aol.com.

15
16 New this year is a Memory Board; an area where donations can be made in memory of loved ones.
17 Parking for the event is at the Merrimack High School. Shuttle buses will be available. Handicapped
18 parking will be in the Watson lot. Event participants are also welcome to park in the Watson lot.
19 Councilor Dwyer expressed gratitude for the efforts of Mr. McCray in putting the event together and
20 achieving the level of fundraising. Mr. McCray spoke of the efforts of many who assisted.

21
22 **Public Hearing** - None

23
24 **Legislative Updates from State Representatives** - None

25
26 **Town Manager's Report**

27
28 The Highway Department, in coordination with the Merrimack Village District and the Library staff,
29 worked to remove the water valve that was located in the sidewalk at the corner of Baboosic Lake Road
30 and D.W. Highway. The barrier, which stuck up out of ground, was not ADA compliant as it was in the
31 middle of the sidewalk. A valve has been placed that is flush with the ground. This will also ease the
32 process of plowing the sidewalk and pedestrians traffic.

33
34 The Bean Road Bridge over Baboosic Brook has been posted with a 10-Ton Weight Limit (the bridge is
35 located on Bean Road between Profile Drive and West Road). A recent inspection by New Hampshire
36 Department of Transportation (NHDOT) bridge inspectors revealed some corrosion under the travel way
37 of this metal plate arch bridge. The Public Works Department is working with NHDOT to determine a
38 replacement schedule for the bridge.

39
40 Town-wide Paving Update; Pike Industries will begin work the week of October 6th for the additional
41 paving approved by the Town Council utilizing end-of-year surplus funds. Roads to be paved include
42 Danforth Road, Hassell Road, Hutchinson Road, Cummings Road, Cowin Road, Seaverns Bridge Road
43 (Boston Post Road to T/L near Bates Road), Cramer Hill Road, and Coles Rock Road.

1 **Consent Agenda**

2
3 **1. Changes to Chapter A198, Administrative Code**

4 *Submitted by Town Manager Eileen Cabanel*

5 The Town Council to consider the changes to Chapter A198, Administrative Code of the Merrimack
6 Town Code to incorporate Assistant Town Manager title and duties added to the Finance Director
7 position, pursuant to Charter Article V.
8

9 **MOTION made by Councilor Boyd and seconded by Councilor Mahon to move the Consent**
10 **Agenda. MOTION CARRIED 6-1-0**

11 *Councilor Rothhaus voted in opposition*
12

13 **Old Business** - None

14
15 **New Business**

16
17 **1. Permission to Remove Trees**

18 *Submitted by Don Turner*

19 Town Council to consider a request to remove trees from the southwest boundary of 5 John Lane
20 and Town property parcel 4C/255 in preparation for solar panels.
21

22 Mr. Don Turner stated he purchased his home this past August, and quickly realized he would not be
23 able to utilize solar panels due to the number of tall Pine trees located across the back of the property,
24 which overshadow the residence and block the back of the home as well as the roof from sunlight. In
25 total, the proposal is for the removal of approximately 35 trees. Although some are located on his
26 property, approximately 15-20 are likely located on Town property. He is in the process of having his
27 lot surveyed to determine the location of the lot line. He requested approval from the Council to remove
28 the trees, at his expense, noting no intent to disturb the underbrush.
29

30 Councilor Dwyer referred to materials provided the Council in advance of the meeting, and commented
31 he had believed the rock wall depicted on the diagram to be the lot line. Mr. Turner stated that is not
32 completely accurate. Surveyors were at the property the previous day and are in the process of
33 providing a correct plot plan. When asked if the rock wall is located on his property, he stated his belief
34 it is, and that his property line extends perhaps 5-8' beyond the rock wall.
35

36 Councilor Dwyer commented on the need to be specific with the logging company with regard to clean-
37 up to ensure that occurs. Mr. Turner responded, if necessary, he would obtain a chipper and clean the
38 area. He added he would likely place a few plants in the area where the logging company would enter
39 the parcel.
40

41 Councilor Boyd questioned whether it is understood to be Town property and not conservation property.
42 Director Micali stated it to be Town property. Councilor Rothhaus questioned the purpose for Town
43 ownership noting prior efforts to relinquish properties. Vice Chairman Mahon stated it would be
44 necessary to review prior meeting minutes (6-7 years prior) to identify the reasoning for retaining this
45 particular parcel. Chairman Harrington commented the parcel is 6.67 acres. As the majority of
46 properties that were retained were landlocked, etc., she is of the belief there must have been a specific
47 reason for retaining a parcel of this size. Mr. Turner commented although the map provided indicates
48 6.67 acres, he believes it to be 16.67 acres. He remarked, if a decision were made to sell the parcel, he
49 would be interested.

1 Vice Chairman Mahon stated the desire for an agreement to be drawn up between Mr. Turner and the
2 Town identifying expectations and responsibilities of both parties.

3
4 Councilor Koenig commented it is virtually impossible to remove trees without disturbing the
5 underbrush. He questioned how the trees would be disposed of. Mr. Turner stated the logger would
6 arrange for the removal of the trees. Branches and debris left behind would be chipped by him. He
7 would ensure the area is cleaned. He stated his desire for re-growth. He added he will be putting a
8 garage up on the property, which will require transplanting of some trees, and suggested the area logged
9 would be a good location for that.

10
11 When asked about access, Mr. Turner stated it would be from the right side of the property where a
12 small trail is located between his property line and Town land. Councilor Koenig questioned whether
13 the size of the trail would be impacted. Mr. Turner stated his belief the trail would likely be opened up
14 slightly, which is why he would be looking to place plantings in the area out by the road.

15
16 Councilor Dwyer informed the Council Director Micali reviewed the parcel and has clarified it is 6.67
17 acres in size. Councilor Koenig requested additional justification of why the Town should be in favor of
18 such an undertaking, noting the Council has historically been hesitant to approve individual requests for
19 tree cutting. Mr. Turner stated his sole purpose for the project is to accommodate the placement of solar
20 panels. He noted the additional benefits of eliminating issues related to mildew, sap, etc.

21
22 Councilor Woods remarked he visited the area and was surprised by the number of trees proposed for
23 removal. He shares concerns expressed regarding precedent the Council could be setting with approval,
24 e.g., others may wish to remove trees to provide direct sunlight to swimming pools, etc.

25
26 Councilor Rothhaus reiterated the desire to understand the purpose for which the Town retained
27 ownership of the property. Having visited the property, he believes it may be that logging of that
28 property might be in order, and would result in revenue to the Town. Vice Chairman Mahon stated the
29 Town does not allow a private citizen to conduct work on Town property. If it is believed the property
30 contains what could be a valuable asset, perhaps the best approach would be to request the Forester
31 retained by the Conservation Commission view the property and report back to the Council. Councilor
32 Dwyer stated agreement.

33
34 **MOTION made by Councilor Mahon and seconded by Councilor Dwyer to identify the status of**
35 **the property, arrange for an evaluation to be conducted, retain the services of a Forester to assess**
36 **the timber and make a recommendation as to how to proceed with regard to a forestry project,**
37 **and that the findings be reported to the Council no later than its November 6, 2014 meeting**

38
39 **ON THE QUESTION**

40
41 Chairman Harrington stated agreement with the concern expressed regarding the setting of precedent. If
42 the result of the investigation is that such a project would be in the best interest of the Town that would
43 provide justification.

44 **MOTION CARRIED 7-0-0**

45
46 Mr. Turner requested, if the Council were to determine to sell the property, that the neighboring property
47 owners be approached.

1 **1. Changes to Wage Scale 2014-15**

2 *Submitted by Town Manager Eileen Cabanel*

3 The Town Council to consider the revision of the 2014-15 Wage Scale incorporating wage changes
4 brought about by the Assistant Town Manager title and duties that have been added to the Finance
5 Director position.

6
7 Chairman Harrington noted the Council received a copy of the proposed revision, which designates the
8 Finance Director/Assistant Town Manager position under Grade 25.

9
10 **MOTION made by Councilor Mahon and seconded by Councilor Woods to accept the**
11 **recommendation of the Town Manager. MOTION CARRIED 6-1-0**

12 *Councilor Boyd voted in opposition*
13

14 **2. Highway Garage Committee**

15 *Submitted by Finance Director Paul T. Micali*

16 The Town Council to identify the makeup and charge of the Highway Garage Committee.

17
18 Chairman Harrington remarked, during its meeting on September 11th, the Council discussed the
19 Highway Garage and whether or not a proposal for bonding would be placed on the ballot in April. At
20 that time, the Council determined a committee should be formed to re-evaluate and promote the plan.

21
22 Director Micali spoke of the possibility for revenue generating offsets, e.g., solar panels, energy efficient
23 lighting, etc., and noted grants available through PSNH. He suggested the committee be charged with
24 seeking out such opportunities. He informed the Council of a tour conducted of the Hopkinton Highway
25 Garage. Hopkinton was one of the last communities in the State to construct a garage (2 years ago).
26 The construction is similar to what is being considered in Merrimack. He spoke of the Facility & Needs
27 Study that was performed and the work of the prior committee to reduce size/costs. He noted the bond
28 did pass by a majority vote; not a super-majority as required (67%). Numbers were run based on
29 information gained through reviews of other facilities, size of facility, consideration of inflation, etc.,
30 and resulted in the expectation the cost would be \$3.2 - \$3.3 million.

31
32 Discussions with those in the building industry resulted in the identification of the need to promote the
33 facility. He suggested the committee be charged with promoting the facility to the Lion's Club, Rotary
34 Club, Senior Center, and other constituent groups. When asked, Director Micali stated Hopkinton did
35 not require site work; had a foundation in place, and spent approximately \$90/sq. ft. Although a 15,000
36 sq. ft. building, a mezzanine (2,000 sq. ft.) was part of the project.

37
38 Councilor Rothhaus spoke of comments made by former Chairman Yakuboff who related the structure
39 cost to that of his warehouse (under \$100,000). When the suggestion was made that the price include
40 housing of all of the equipment, he had suggested doing that at a later time, and indicated, by waiting,
41 there would be no need to go through the engineering cost component, which when included in the
42 process increases the price tremendously. Councilor Rothhaus suggested the committee consider
43 eliminating that portion of the project and look to bring it up at a later date as a separate project.

44
45 Councilor Rothhaus questioned whether the prior committee considered the cost differential between
46 raising the old structure versus renovating it. Councilor Dwyer commented the intent of the old
47 structure was to renovate it to be utilized as a basic storage structure. The cost to reskin the building,
48 roof it, and gut the inside was under \$300,000. Research indicated that to be a fair price for a 20-30 year
49 storage facility. Director Micali commented what was explained previously was that the

1 architect/engineer would quote a percentage of the overall cost of the proposed facility as the cost for
2 engineering the HVAC systems, etc.

3
4 Councilor Dwyer questioned whether any member of the public has expressed an interest in serving on
5 the committee, and was informed no such interest has been made known. Vice Chairman Mahon
6 suggested the Council was not very definitive about forward movement when last discussing the
7 possibility of forming another committee. He stated his impression if a committee is created and a
8 charge identified, that may result in the desired interest.

9 Director Micali spoke of a few residents who have retired from the building industry who have the
10 experience with commercial buildings. Chairman Harrington stated the desire for participation by those
11 not necessarily in favor of the project as those are the ones that have to be able to be convinced of the
12 need. Councilor Dwyer stated his impression the prior committee make-up was the greatest the Town
13 has ever seen, the proposal was the greatest ever seen in a highway garage, and that he stands by the
14 work that was performed. He stated he would go back to the ballot in April and ask the citizenry again.
15 The only thing he would do differently is promoting the project.

16
17 Chairman Harrington stated agreement; however, added she is of the belief there is the need to be
18 somewhat reflective and consider what else can be done to ensure additional success. What she would
19 expect of the committee would be to review the plan to determine if there are adjustments that could be
20 made to present the information on the bonding more visually/clearly. She suggested there were those
21 who were not against the plan, but did not understand the impact of putting the project off in terms of
22 increased cost.

23
24 *The consensus of the Council was to form a committee to review the current plans for the Highway*
25 *garage, consider and identify cost saving/revenue generating opportunities and associated grants,*
26 *make any recommendations deemed necessary to the Council at its first meeting in January, and*
27 *promote the plan to the constituency. Membership shall not exceed nine (9). Known members*
28 *include Councilor Koenig, Paul Micali, Finance Director, Rick Seymour, Director, Public Works*
29 *Department, and Adam Jacobs, Operations Manager, Highway Division.*

30
31 Director Micali stated openings would be advertised through the Town's website and social media over
32 the course of a two-week period. Councilor Rothhaus stated a willingness to participate (as a non-
33 member) in committee meetings and in the promoting of the project. Chairman Harrington stated her
34 willingness to assist in the promoting of the project.

35 36 Minutes

37
38 *The following amendments were offered:*

39
40 Page 6, Line 7; replace the word "agreement" with the word "that"

41 Page 7, Line 44; replace the word "agreement" with the word "that"

42 Page 7, Line 45; add a comma and quotation marks after the word "remarked" and end quotation marks
43 after the word "there".

44
45 **MOTION made by Councilor Mahon and seconded by Councilor Woods to approve the minutes**
46 **of the Town Council meeting conducted on September 11, 2014 as amended. MOTION**
47 **CARRIED 7-0-0**

1 **Comments from the Press** - None

2
3 **Comments from the Public** - None

4
5 **Comments from the Council**

6
7 Vice Chairman Mahon stated appreciation to Merrimack Rocks for the advertisement for the Fraser
8 Square Veterans Memorial on the back page of their program.

9
10 Councilor Boyd wished a Happy Rosh Hashana to the members of Merrimack's Jewish community.

11
12 **MOTION** made by Councilor Mahon and seconded by Councilor Koenig to adjourn the meeting.

13 **MOTION CARRIED** 6-1-0

14 *Councilor Boyd voted in opposition*

15
16 *The September 25, 2014 meeting of the Town Council was adjourned at 8:11 p.m.*

17
18
19 Submitted by Dawn MacMillan